

**REMARKS/ARGUMENTS**

Claims 1, 2, 13, and 14 are pending.

Claims 1, 12, and 13 were rejected under 35 U.S.C. Section 102 in view of Hirst (U.S. Pat. No. 6,173,411).

Claims 2 and 14 were rejected under 35 U.S.C. Section 103 in view of Hirst and Fischer (U.S. Pat. No. 4, 941,089).

Claim 12 has been canceled without prejudice or disclaimer.

Without conceding the merits of the rejection, independent claims 1, 2, 13, and 14 have been amended in order to move forward with prosecution of the application. In addition, line breaks have been added to claim 1 to improve readability.

The pending claims are directed to a transmitting device capable of connection to a plurality of communication lines. When data transmission on one of the communication lines fails, another communication line is selected from among the remaining communication lines, and data communication resumes. The selection is based on a plurality of criteria. For example, independent claim 1 recites in part:

wherein, if a communication line ... device is disconnected while data is being transmitted to a destination, an other communication line that is connected to the transmitting device is selected to reestablish communication with the destination, the other communication line being selected from among a plurality of alternate communication lines connected to the transmitting device based on a plurality of criteria comprising two or more of communication speed, communication cost, power consumption, reliability of the line connection, condition of communication line, condition of transmitting device, and condition of receiver at the destination

See also independent claims 2, 13, and 14.

Hirst shows in Fig. 3 (also in Fig. 4) a link manager device 33 having two interfaces 29, 31. Hirst teaches that “A break in a connection, or faulty connection, is detected upon a failed response to one of the test messages. In response to this failure, traffic is routed across the remaining good connection. To facilitate fast protocol rerouting, a test message is sent across the now active connection bound for the switch connected to the inactive connection.” *Col. 4, lines 38-44*. Hirst clearly does not teach the recited “other communication line being selected from among a plurality of alternate communication lines connected to the transmitting

device” because Hirst’s link manager device 33 only shows two interfaces 29, 31. When one interface (e.g., 29) fails, then the other interface (i.e., 31) takes over. There is no selecting from among a plurality of alternate communication lines connected to the transmitting device, because Hirst does not have a plurality of alternate communication lines connected to the link manager device.

Hirst further does not teach the recited selecting “based on a plurality of criteria” for the simple reason that when one interface fails, the other interface is used because that is the only other interface available. There is nothing to select, and so there are no criteria for making the selection. The examiner provided an example of the recited “criteria” on page 3 of the Office action:

while data is being transmitted, an appropriate communication line is selected based on predetermined criteria (i.e., an alternate line is good or not) for communication line

However, a review of Hirst does not reveal any such teaching. Therefore, contrary to the examiner’s assertion, Hirst does not teach or even suggest “the other communication line being selected from among a plurality of alternate communication lines connected to the transmitting device based on a plurality of criteria,” as recited in claim 1 and similarly in independent claims 2, 13, and 14. For at least this reason, the rejections of the claims are overcome.

Reconsideration of these claims in view of the foregoing remarks is respectfully requested.

Claim 1 also recites the plurality of criteria comprises “two or more of communication speed, communication cost, power consumption, reliability of the line connection, condition of communication line, condition of transmitting device, and condition of receiver at the destination.” Hirst does not teach any such criteria. Moreover, since Hirst does not require selecting a communication line many alternates, there is no suggestion at all to use criteria, and certainly so suggestion whatsoever of the specific criteria recited herein.

The Fischer reference is likewise silent as to the foregoing limitations. Fischer was cited for teaching buffering of data. Therefore, Hirst in combination with Fischer fails to teach the pending claims.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

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